

REMARKS

Claims 21 and 22 remain in the application. Only claim 21 is in independent form.

Applicants wish to express their appreciation for the courtesies extended Applicants' representative, Amy E. Rinaldo, during telephonic interviews conducted on July 25, 2006, and October 19, 2006.

Claim 24 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Specifically, the Office Action has held that claim 24 is indefinite because it depends upon a canceled claim. Claim 24 has been amended to correct the dependency and reconsideration of the rejection is respectfully requested.

Claims 1, 2, 4, 7, 8, and 21-23 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action has held that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action has held that if the claims were amended to include a specific recitation of the translation initiation factor that is utilized that such an amendment would overcome the rejection. The claims have been amended to include the limitation of the factor being eIF-4E, with the exception of claim 21, which has only been amended to include the translation initiation factor 4E. This inclusion is based upon the comments made in the outstanding Office Action at page 8, which indicates that claim 45 is objected to as being dependent upon a rejected base claim. The base claim upon which claim 45 was dependent was claim 21. Accordingly, in order to further prosecution, the limitations of claim 45 have been included in independent claim 21, thereby

overcoming all of the outstanding rejections. Reconsideration of the rejections are respectfully requested.

Claims 1, 2, 4, 7, 8, 43 and 44 stand rejected under 35 U.S.C. §112, first paragraph, because the specification does not provide enabling disclosure for the full scope of the claims as previously presented. Again, the Office Action has held that if the limitation of mRNA encoding eIF-4E was inserted into the claim, such an amendment would overcome the present rejection. Accordingly, in order to further prosecution, the claims have been amended pursuant to suggestions made in the outstanding Office Action and reconsideration of the rejection is respectfully requested.

Claims 1, 2, and 4 stand rejected under 35 U.S.C. §102(b), as being anticipated by the Qui, et al. reference. Reconsideration of the rejection under 35 U.S.C. §102(b), as anticipated by the Qui, et al. reference, as applied to the claims, is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference. The Office Action has disclosed that if the limitation of the specific translation initiation factor were to be included in the rejected claims, such an amendment would overcome the prior art rejection. In order to further prosecution, the claims have been amended herewith to include such a limitation and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

It is respectfully requested that the present amendment be entered in order to place the application in condition for allowance or at least in better condition for appeal. The application is placed in condition for allowance as it addresses and resolves each and every issue that remains pending. The amendments overcoming the rejections under 35 U.S.C. §112 are made exactly as suggested by the Office Action. Claims have also been amended to clearly distinguish over the prior art. The application is made at least in better condition for appeal as the amendment removes many issues thereby simplifying the issues on appeal. That is, each and every rejection under 35 U.S.C. §112 has been overcome exactly as suggest in the Office Action. Further, the claims have been amended to more specifically define the invention while raising no new issues that would require any further searching. Rather, the amendments have been made in view of comments made in the Office Action that clearly distinguish the presently pending claims over the cited prior art. Hence, it is respectfully requested that the amendment be entered.

This amendment could not have been made earlier as the amendment includes limitations in accordance with the suggestions made in the Office Action, the suggestions first being made in the outstanding Office Action. Hence, since there remain no further issues to be resolved, it is respectfully requested that the present amendment be entered.

In conclusion, it is respectfully requested that the present amendment be entered in order to place the application in condition for allowance, which allowance is respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



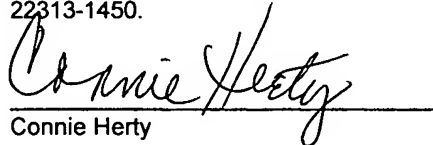
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